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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

8 UNITED STATES OF AMERICA, )  
9 )  
Plaintiff, ) Case No. CR07-109-JCC  
10 v. )  
11 LEVI SETH MAYFIELD, )  
12 Defendant. )  

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**PROPOSED FINDINGS OF  
FACT AND DETERMINATION  
AS TO ALLEGED  
VIOLATIONS OF SUPERVISED  
RELEASE**

13 INTRODUCTION

14 I conducted a hearing on alleged violations of supervised release in this case on September  
15 9, 2009. The defendant appeared pursuant to a summons issued in this case. The United States  
16 was represented by Peter Mazzone, and defendant was represented by J. Tate London. Also  
17 present was U.S. Probation Officer Lorraine Bolle. The proceedings were digitally recorded.

18 SENTENCE AND PRIOR ACTION

19 Defendant was sentenced on December 7, 2007 by the Honorable John C. Coughenour for  
20 Conspiracy. He received 2 months of imprisonment and 3 years of supervised release.

21 On June 5, 2008, a violation report and request for warrant was submitted to the Court after  
22 Mr. Mayfield failed to report a change in residence. A warrant for Mr. Mayfield's arrest was  
23 approved by the Court. Mr. Mayfield was arrested and appeared before United States Magistrate

1 Judge Mary Alice Theiler and denied all allegations on June 23, 2008. The violation was  
2 dismissed on July 30, 2008.

3 On November 25, 2008, a request for modifying conditions or terms of supervision with  
4 consent of the offender was submitted to the court after Mr. Mayfield was cited for driving under  
5 the influence. Mr. Mayfield agreed to modify these conditions of supervised release by serving a  
6 180 day term of electronic home monitoring with a sobriety and a restriction prohibiting him  
7 from entering any establishment where alcohol is the primary commodity for sale. These  
8 modifications were approved by the Court on December 4, 2008.

9 PRESENTLY ALLEGED VIOLATIONS AND  
10 DEFENDANT'S ADMISSION OF THE VIOLATION

11 In a petition dated August 4, 2009, U.S. Probation Officer Jerrod Akins alleged that  
12 defendant violated the following conditions of supervised release:

13 1. Consuming alcohol on or before July 17, 2009, in violation of the special condition  
14 that he abstains from the use of alcohol and/or other intoxicants during the term of supervision.

15 2. Failing to truthfully answer the inquiries of the probation officer on July 20, 2009  
16 and July 22, 2009, in violation of standard condition number 3.

17 3. Failing to follow the instructions of the probation officer by failing to attend his  
18 Moral Reconciliation Therapy (MRT) program, in violation of standard condition number 3.

19 The Government dismissed violations 2 and 3. Defendant admitted to violation 1, waived  
20 any hearing as to whether it occurred, and was informed the matter would be set for a disposition  
21 hearing on October 2, 2009 at 9:00 a.m. before District Judge John C. Coughenour.

22 RECOMMENDED FINDINGS AND CONCLUSIONS

23 Based upon the foregoing, I recommend the court find that defendant has violated the

1 conditions of his supervised release as alleged above, and conduct a disposition hearing.

2 DATED this 9<sup>th</sup> day of September, 2009.

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4 BRIAN A. TSUCHIDA  
5 United States Magistrate Judge  
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